

Criminal and Juvenile Justice Information Task Force

Public Civil Commitment Delivery Team Recommendations

The delivery team was tasked with providing recommendations that would improve law enforcement access to public information regarding civil commitments.

Statement of Need -

Administration of Justice:

Officers encounter individuals with active “Apprehend and Deliver” and “Revocation Orders” issued by the Court without being aware these orders exist. Both orders are requesting an individual to be taken into custody and are classified as public information; neither order is currently available via a BCA CJIS record check.

Safety:

According to a Pioneer Press analysis, “Since 2004, at least 29 percent of the people fatally shot by police officers in Minnesota have been mentally ill.” Many departments have officers certified in Crisis intervention Training. Currently officers encounter individuals without access to public information notifying them that the individual has a current or historical civil commitment related to a mental illness.

Allocation of Resources and Services:

Police officers encounter individuals that are displaying aggressive or non-compliant behavior. Sometimes the presence of a uniformed officer can escalate those behaviors in a person who is experiencing a mental health crisis. Providing officers with public civil commitment information can result in that individual being transported to a hospital or responsible mental health professional versus an arrest for Disorderly Conduct, Obstruct Legal Process, etc; resulting in better services for the individual and the “decriminalization” of the mentally ill.

Recommendations -

MN BCA MNJIS and MN State Court Administration collaborate to create a data pass of the following information, classified as “public,” from MNCIS through the BCA’s Law Enforcement Message Switch (LEMS)¹:

1. Active civil commitment Apprehend and Deliver orders;
2. Active civil commitment Revocation Orders;

¹ The most common query completed by a patrol officer encountering an individual is a QDP, which provides a complete driver’s record plus information from CJIS/NCIC “Hot Files,” to include wanted and missing persons, criminal and civil protection orders, gang and terrorist organization files, predatory offender pointer system, foreign fugitives, etc. Patrol officers do not routinely access MNCIS data

3. Current and historical² civil commitment disposition category, including stayed commitments, but not Continued for Dismissal:
 - a. Committed – Chemically Dependent
 - b. Committed – Mentally Ill
 - c. Committed – Developmentally Disabled
 - d. Committed – Mentally Ill and Dangerous
 - e. Committed – Sexually Dangerous Person
 - f. Committed – Sexual Psychopathic Personality
4. Biographical information related to the identity of the individuals listed above, such as name, gender, and date of birth.

Project Considerations -

All of the data identified above is currently classified by the MN Government Data Practices Act as public data. The delivery team's preference, if possible, is to create a "query service" where the identified data is viewed through LEMS, which obtains the data as needed from MNCIS, versus the information being stored and maintained in a BCA MNJIS database.

Delivery Team Membership -

The delivery team consisted of members representing BCA-MNJIS, MN Department of Corrections, County and City Prosecutor's Offices, County and City law enforcement personnel, District Court Judges, County Community Services departments, MN State Court Administration, and County Community Corrections departments.

² The MN courts enabled a process to pass the required FBI information to the federal NICS index for firearm permit to carry background investigations. Beginning in October of 2010, precise disposition codes were used in the Civil Commitment court cases. The delivery team recommends including all data since the time these codes commenced.